

## Chapter RL 30

## PRIVATE DETECTIVE AND AGENCY AUTHORITY AND DEFINITIONS

## RL 30.01 Authority

**RL 30.01 Authority.** The provisions in chs. RL 30 to 35 are adopted pursuant to ss. 227.11 and 440.26, Stats.

**History:** Cr. Register, October, 1988, No. 394, eff. 11-1-88.

**RL 30.02 Definitions.** In chs. RL 30 to 35:

(1) "Agency" or "private detective agency" means an individual, partnership, or corporation holding a private detective agency license issued by the department or having a right to renew a license issued by the department to act as or employ private detectives or private security persons.

(2) "Department" means the department of regulation and licensing.

**Note:** The department office is located at Room 281, 1400 East Washington Avenue, Madison, Wisconsin 53702, telephone (608) 266-0829.

(3) "Employee" means any person who receives earnings as payment for personal services rendered for the benefit of an employer. A person who is listed on an employer's payroll records and for whom federal and state payroll deductions are taken and payroll taxes paid is presumed to be an employee. However, a person is not an employee unless the employer has a right to control and direct the employe who performs the services as to the result to be accomplished by the services and as to the details and means by which the result is to be accomplished.

(4) "Firearm" means a weapon from which a shot is discharged by gunpowder, including but not limited to handguns and shotguns.

(5) "License" means a license issued by the department to a private detective agency or to a private detective under s. 440.26, Stats.

(6) "Officer" means the president, vice-president, secretary or treasurer of a corporation.

(7) "On duty" means that time during which a private detective or private security person:

(a) Receives or is entitled to receive fees or other compensation for services as a private detective or a private security person; or

(b) Purports to be a private detective or private security person.

(8) "Original agency license" means:

(a) A license issued to an agency which does not hold an agency license at the time it makes application and which is not eligible to renew a license; or

(b) A license issued to an agency which has applied for a license under s. RL 32.07 after undergoing a change of controlling ownership.

## RL 30.02 Definitions

(9) "Original private detective license" means a license issued to a person who does not hold a private detective license at the time the person makes application and who is not eligible to renew the license without examination.

(10) "Owner" means the owner of an agency. For the purpose of chs. RL 30 to 35:

(a) The owner of a sole proprietorship is the license holder.

(b) The owners of a corporation are the officers of the corporation.

(c) The owners of a partnership are the partners.

(11) "Permit" means the private security permit described in s. 440.26 (5), Stats.

(12) (a) "Private detective" means any of the following:

1. A person who acts as, uses the title or otherwise represents that the person is a private detective, private investigator or special investigator.

2. A person engaged for compensation or other consideration on behalf of another, in investigating or otherwise obtaining or furnishing information relating to any of the following:

a. Crimes or wrongs done or threatened against the United States, any state or territory, or any political subdivision thereof.

b. The identity, conduct, business, honesty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person, if such information is obtained in secret, without the knowledge of the person being observed.

c. The location, disposition or recovery of lost or stolen property.

d. The cause or responsibility for fires, libels, losses, accidents, damage, injury or death.

e. Securing evidence to be used before any court, board, officer, or investigating committee.

3. A person who acts as a private security person and does not wear a uniform, including one who provides personal protection of individuals from bodily harm or death.

(b) "Private detective" does not include any of the following:

1. A public officer or employe while performing an official duty.

2. A person exempt from the licensing requirement under s. 440.26 (5) or (7), Stats.

RL 30.02

3. Employees of commercial establishments who operate exclusively on their premises or persons employed by an attorney or firm of attorneys, but does include a person who works for more than one law firm.

4. An individual, the members of a partnership and the officers of a corporation having a private detective agency license who are not engaged in the work of a private detective.

5. Off-duty law enforcement officers when employed by a person or entity and when such employment has been officially authorized by the officer's law enforcement employment department or agency as an appropriate extension of the officer's function; provided that the law enforcement agency clearly establishes with the hiring person or entity in writing, who is responsible or liable for the actions of the off-duty law enforcement officer while that person is performing services for the hiring person or entity.

6. Persons licensed by this state for activities other than those under s. 440.26, Stats., when performing acts within the scope of their license.

7. Persons directly employed by an insurer and persons working as insurance adjusters under contract with an insurer.

8. Persons employed to act as shoppers in business establishments and report on the efficiency of employees, the quality of services or the condition of the premises.

**Note:** Persons engaged in posing as patrons for the purpose of checking honesty of employees and then reporting to the employer are required to be licensed.

9. Persons contracted as consultants to a private detective or private detective agency and who perform no investigatory work of any kind themselves.

10. Scientific researchers, laboratory personnel and expert consultants who may provide testimony to any court, board, officer or investigating committee.

11. A person who is not licensed as a private detective in Wisconsin, who commences an investigation in another jurisdiction and who physically enters into Wisconsin for the purpose of pursuing that investigation, provided that the person is accompanied by a licensed private detective while conducting the investigation and that the person is not armed with a firearm.

(13) "Private security person" means a uniformed employe of a licensed agency who stands watch, patrols or responds to security systems for security purposes and who has obtained a permit under s. 440.26 (5), Stats. "Private security person" does not include off-duty law enforcement officers when employed by a person or entity and when such employment has been officially authorized by the officer's law enforcement employment department or agency as an appropriate extension of the officer's function; provided that the law enforcement agency clearly establishes with the hiring person or entity in writing, who is responsible or liable for the actions of the off-duty law enforcement officer while that person is performing services for the hiring person or entity.

(14) "Uniform" means any clothing, badge, patch or lettering which clearly identifies to the public a person being a security guard.

**History:** Cr. Register, October, 1988, No. 394, eff. 11-1-88; cr. (12) (b) 11., Register, December, 1994, No. 468, eff. 1-1-96.